

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

2009 NOV 16 AM 11:34

*Ross*  
S. DIST. OF GA.

TONEY SMITH )  
a/k/a RAPP WARE, )  
                  )  
Movant,         )  
                  )  
v.                 ) Case No. CV609-066  
                  ) CR606-010  
UNITED STATES OF AMERICA, )  
                  )  
                  )  
Respondent.      )

**O R D E R**

After a careful de novo review of the record in this case, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court.

**SO ORDERED** this 16<sup>th</sup> day of November, 2009.

*B. Avant Edenfield*  
B. AVANT EDENFIELD  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA